

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
2 United States Attorney

FILED

13 APR -2 P 3:30

4 RICHARD W. WIEGMAN  
5 CLERK  
6 U.S. DISTRICT COURT  
7 NO. DIST. OF CA. S. J.

E-FILING

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 AUSTREBERTO PADILLA-SERRANO,

15 Defendant.

16 CR -08 00218

17 RMW  
18 PVT

19 }  
20 } VIOLATION: 8 U.S.C. § 1326 –  
21 } Illegal Re-Entry Following Deportation  
22 }  
23 } SAN JOSE VENUE  
24 }

25 INFORMATION

26 The United States charges:

27 On or about November 27, 2007, the defendant

28 AUSTREBERTO PADILLA-SERRANO,

1 an alien, previously having been arrested and deported from the United States on or about  
2 October 20, 1995, September 8, 1999, and January 3, 2002, was found in the Northern District of  
3 California, the Attorney General of the United States and the Secretary for Homeland Security  
4 not having expressly consented to a re-application by the defendant for admission into the United

5 //

6 //

7 //

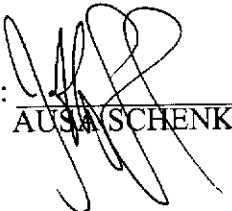
8 INFORMATION

1 States, in violation of Title 8, United States Code, Section 1326.

2 DATED: \_\_\_\_\_

JOSEPH P. RUSSONIELLO  
United States Attorney

5 DAVID R. CALLAWAY  
6 Deputy Chief, San Jose Office

7 (Approved as to form:   
8 AUSCHENK)

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AO 257 (Rev. 6/78)

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

FILED

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

## OFFENSE CHARGED

8 U.S.C. Section 1326 -  
ILLEGAL REENTRY

E-FILING

- Petty
- Minor
- Misdemeanor
- Felony

200 ADD - 2 P 3-20

DEFENDANT - U.S.

RICHARD W. VERNON

AUSTREBERTO PADILLA-SERRANO

U.S. DISTRICT COURT

DISTRICT COURT NUMBER

CR - 08 00218

RMW  
PVT

## PENALTY:

20 years imprisonment  
 \$250,000 fine  
 3 years Supervised Release  
 \$100 special assessment

## PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)  
IMMIGRATION AND CUSTOMS ENFORCEMENT person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District this is a reprocution of charges previously dismissed  
 which were dismissed on motion of:

- U.S. Atty  Defense
- this prosecution relates to a pending case involving this same defendant
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

08-70161 RS

Name and Office of Person Furnishing Information on THIS FORM

JOSEPH P. RUSSONIELLO

 U.S. Atty  Other U.S. AgencyName of Asst. U.S. Atty  
(if assigned)

JEFFREY B. SCHENK

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

 SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

- Arraignment  Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_